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Official Report of Debates (Hansard)

Tuesday 15 November 2016

Journal des débats (Hansard)

Mardi 15 novembre 2016

Standing Committee on Government Agencies

Intended appointments

Comité permanent des organismes gouvernementaux

Nominations prévues



Chair: Cristina Martins
Clerk: Sylwia Przedziecki

Présidente : Cristina Martins
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Tuesday 15 November 2016

Mardi 15 novembre 2016

The committee met at 0902 in committee room 2.

The Chair (Mrs. Cristina Martins): I call the committee to order. Good morning, everyone. Thank you for being here this morning.

SUBCOMMITTEE REPORTS

The Chair (Mrs. Cristina Martins): Before we review the intended appointments this morning, we do have two subcommittee reports that need to be adopted: subcommittee report for Thursday, November 3, 2016, and subcommittee report for Thursday, November 10, 2016.

Can I have someone move those? Mr. Pettapiece.

Mr. Randy Pettapiece: I move the adoption of the subcommittee report on intended appointments dated Thursday, November 3, 2016.

The Chair (Mrs. Cristina Martins): First of all, any discussion on that? All in favour? Opposed? Carried.

Thank you very much. Now we will—

Interjection.

The Chair (Mrs. Cristina Martins): I think we did both at the same time. Oh, you have to do them separately? Okay, that was movement of the first one; sorry. The second one: Mr. Pettapiece.

Mr. Randy Pettapiece: I move adoption of the subcommittee report on intended appointments dated Thursday, November 10, 2016.

The Chair (Mrs. Cristina Martins): Any discussion? All in favour? Opposed? Carried.

Thank you very much, Mr. Pettapiece.

INTENDED APPOINTMENTS

DR. MERIC GERTLER

Review of intended appointment, selected by third party: Meric Gertler, intended appointee as member, Toronto Waterfront Revitalization Corp.

The Chair (Mrs. Cristina Martins): We will now move forward with the review of the intended appointments. We have two intended appointees to hear from this morning, and we will consider the concurrences following the interviews.

Our first intended appointee today is Mr. Meric Gertler, nominated as member, Toronto Waterfront Revitalization Corp. Please come forward, Mr. Gertler.

Thank you for being here this morning. You may take your seat.

You may begin with a brief statement, if you wish. Members of each party will then have 10 minutes to ask you questions. Any time used for your statement will be deducted from the government's time for questions. When questioning does begin, it will begin with the official opposition.

Welcome, Mr. Gertler. You may begin.

Dr. Meric Gertler: Thanks very much. I'll keep my statement brief, because I would much rather answer your questions than take up valuable airtime.

It's a pleasure and an honour to be here and an honour to be considered for this role. As you may have gathered if you've had a chance to look at my CV, I have been interested in cities for over three decades of my professional life, as a professor of geography and urban planning at the University of Toronto, as well as a student before that. So the opportunity to serve on the board of an agency like Waterfront Toronto is extremely appealing. This is a chance for me to contribute at least in a small way to helping to guide the planning and development and evolution of a key part of Canada's largest city in ways that hopefully will serve the needs of Toronto, Ontario and Canada and continue to make Toronto an attractive place in which to live, work and play, but also attract tourists and investment from around the world.

Having lived in Toronto for a long, long time, I have watched the evolution of the waterfront over many decades, and I'm quite encouraged by what I've seen over the last 10 years or so under the direction of Waterfront Toronto. I've seen real momentum building and would be honoured and delighted, really, to contribute to that continued positive evolution.

Perhaps I will just conclude my remarks there and welcome questions.

The Chair (Mrs. Cristina Martins): Thank you very much, Mr. Gertler. We will now begin questioning with the official opposition. Mr. Pettapiece.

Mr. Randy Pettapiece: Good morning.

Dr. Meric Gertler: Good morning.

Mr. Randy Pettapiece: You've lived in Toronto all your life, have you?

Dr. Meric Gertler: Not quite all my life, but a big part of it. I was born in Edmonton, moved to Toronto when I was two, did grade school here and spent a couple

of years in St. Catharines, then my sort of senior public and high school years in Waterloo. But since beginning my professional life as a professor, my first appointment was at the University of Toronto, starting in the mid-1980s, and I have lived here ever since.

Mr. Randy Pettapiece: You have quite a resumé, and it looks like you've been a busy person all your life.

Dr. Meric Gertler: Yes.

Mr. Randy Pettapiece: What made you want to become a member of this corporation?

Dr. Meric Gertler: Well, I'm really interested in how big cities have become such dynamic centres of economic development and how the centres of those cities have really been revitalized. It's happening all around the world in one country after another. We certainly see it south of the border. We see it in Europe. I've just come back from China; you see it there as well. I think this city has seen similar kinds of dynamics.

So it's an opportunity to help contribute to that really interesting development. I think Toronto is increasingly recognized on the world stage as a highly livable city, as a place that has a unique social mix which the rest of the world envies and is trying to emulate in many ways.

The missing piece has been, I think, having a truly fantastic waterfront. It's been getting better and better, but we all know that there's still a huge amount of potential, and I'd like to help realize that potential.

Mr. Randy Pettapiece: It's interesting. I come from rural Ontario, and we're going through some planning issues in rural Ontario, too. One of them is, how much farmland do you take out for building subdivisions? It's gotten to be quite a subject where I'm from, and that's something that is going to have to be addressed one of these days. That doesn't pertain to this, but planning is certainly an issue that faces the whole province.

I was interested today to learn on the radio—I just caught the tail end, but they're talking about building apartments over laneways so that people can rent that out to help pay the mortgage on their house.

Dr. Meric Gertler: An interesting idea.

Mr. Randy Pettapiece: So there's all these types of ideas coming forward.

The corporation has had some difficulties staying within project budgets. It's reported that the Queen's Quay waterfront construction ran 40% over budget. As a board member, what steps would you take to help spend taxpayers' money more responsibly?

Dr. Meric Gertler: Well, thanks for the question. It's an important one. It's an issue I face every day because the University of Toronto is a public institution supported by taxpayers, primarily provincial, but there's a fair amount of federal investment as well. So I've had a lot of experience as a custodian of taxpayers' dollars and making sure that that money is spent well and spent wisely.

0910

We are very proud of the record that we have accumulated at the University of Toronto, building substantial capital projects on time and on budget in the vast

majority of cases. There are, every now and then, some projects that are a little more complicated. Those are typically projects involving older buildings that require renovation. As you probably know, every time you open up a wall or look inside a cavity, you might find surprises. But by and large, we have done a very good job.

I would hope to bring that experience to the board in terms of overseeing capital projects. I don't know a lot yet about the internal mechanics within Waterfront Toronto, but the kinds of questions I would be asking would be: What kind of bidding process do we go through? What kind of governance do we have to ensure that projects are properly funded at the outset, but also that the project management is undertaken in a way that allows for appropriate oversight of directors?

Those would be a few initial thoughts. I think I would have a lot more to say once I got to know the organization a bit better.

Maybe I will just finish by saying that, to give you a sense of scale, the University of Toronto's operating budget is over \$2 billion. We typically have about half a billion dollars' worth of capital projects under way at any one time. I'm ultimately responsible for ensuring that both our operating and our capital expenditures are properly achieved.

Mr. Randy Pettapiece: The corporation, in my notes here, is expected to run out of money next year. Do you see any immediate action that you could take to help?

Dr. Meric Gertler: Sure. Yes, I've noticed that too. It certainly focuses the mind. Ultimately, I think it comes down to being able to craft a compelling vision that will inspire our public sector partners to re-up, to reinvest. Demonstrate the value of the investment that has already been made—and as I understand it, there's quite an impressive track record of leverage where public sector investments have been able to lever multiples of private sector investment in that part of the city. So I think they have a good story to tell, but I would want to make sure that they tell that story as effectively as possible.

That's a retrospective story. Looking forward, I would also want to make sure that the agency has a compelling vision to offer, one that addresses the full needs of the citizens of Toronto and of Ontario.

Mr. Randy Pettapiece: There have been some questions of accountability raised about the waterfront in Toronto. Earlier this year, it was reported that the board held a closed meeting to approve significant salary increases, which I understand went against the proper procedure for in camera sessions and public disclosure.

As a board member, how will you ensure that you and the board are being accountable and transparent to the public? Do you have any specific steps that you will take to address these accountability issues?

Dr. Meric Gertler: Accountability is really important, and due process is extremely important. The University of Toronto—which is, of course, the world that I know very well—is very proud of the kind of governance system that it operates and the decision-making process that it follows.

The Chair (Mrs. Cristina Martins): Two minutes.

Dr. Meric Gertler: Again, I don't know a lot yet about the internal operations or the governance practices of Waterfront Toronto, but I would do everything in my power to ensure that the interests of the taxpayer and other important stakeholders are properly represented and that we follow all of the principles and practices of good governance.

Mr. Randy Pettapiece: This is going to be a question that probably is not going to be answerable in a short period of time. The Gardiner Expressway is an ongoing issue. Have you seen any of the proposals? Do you support any of the hybrid configurations provided by Waterfront Toronto to city council?

Dr. Meric Gertler: You're right; this is a big issue.

I think that the Gardiner has been a bit of a challenge for Toronto for a long time, at least from the perspective of how it may frustrate or discourage interaction between the city and its waterfront. While there has been a lot of focus on whether to pull it down or not, the city has, I guess, decided to maintain most of the structure.

I think our focus, given that, should be on making the spaces adjacent to and underneath that structure as positive and as attractive as possible. I'm quite encouraged by the plans to build a linear park under the Gardiner. That construction is already under way at the west end. We've seen the remarkable impact of a project like the High Line in New York City to really revive an old industrial linear space in that city, and I'm optimistic that similarly creative initiatives actually could make a big difference.

The Chair (Mrs. Cristina Martins): Mr. Gertler, thank you very much. Your time has expired. We are now going to move on to Mr. Gates, please.

Mr. Wayne Gates: Good morning, sir. How are you?

Dr. Meric Gertler: I'm very well. How are you?

Mr. Wayne Gates: I'll give you a softball to start with: What did you do in St. Catharines? I'm from St. Catharines.

Dr. Meric Gertler: I was attending school there. My dad was working for a consulting firm, actually, in Niagara Falls, but we got to know the area very well. I have remained a fan of that part of the province ever since. I go back at least once or twice a year.

Mr. Wayne Gates: So you went to Brock?

Dr. Meric Gertler: Actually, I wasn't in university yet; I was in public school at the time—Oakridge, I think.

Mr. Wayne Gates: Oh, Oakridge. Okay. Over in the Glenridge area.

Dr. Meric Gertler: Yes.

Mr. Wayne Gates: Nice area over there.

You had an interesting comment—before I get into the questions. You said that you want to make sure that it's a nice place to live, work and play, and to make a "fantastic waterfront." Can you explain what your vision would be for a fantastic waterfront?

Dr. Meric Gertler: Sure. A fantastic waterfront is one that is physically appealing, such that it will attract people to the waterfront, and that makes it easier to

actually use the water for recreational as well as economic purposes. It's a waterfront that is alive and dynamic, in the sense that it's a 24-hour space, rather than just a daytime space. So that means that you want to have an appropriate mix of different kinds of land use: You want to have, obviously, retail; you want recreation; you want residential. I think it's really important that you have a broad range of types of residential accommodation—owner, as well as rental—and housing that is accessible to people of various different income levels. Having that kind of mix of different incomes in such a space, I think, is important because this is a public asset, and we'd want to make sure that it is available to all segments of Toronto society.

Those are a few ideas. I could go on at much greater length, but I guess that you probably have some other questions.

Mr. Wayne Gates: I do. The one thing that I've noticed in Toronto that kind of drives me nuts, quite frankly, is the amount of condos that are down on the waterfront. One thing that I think most waterfronts enjoy, if you look at Chicago and even Boston to a degree—some of the places I've been to—is that there's actually sun on the waterfront. People want to go to the beach; they want to have sun. With the number of condos that are down there, the sun is being blocked pretty regularly during the major part of the day. It's just something that I've noticed, as somebody from outside the area.

Would you support the sale of Ontario Place into private hands if an offer for that happened to be made?

Dr. Meric Gertler: I haven't looked into that issue in great detail, but my initial response would be to say that it's a wonderful public asset in a really strategic part of the waterfront, and I would be loath to sell it. I'm always open to persuasion by good arguments, but I would be loath to sell it.

Mr. Wayne Gates: The follow-up question is this: What do you think about the fact that the Liberal government has decided to enact legislation that would enable the sale of Ontario Place into private hands?

0920

Dr. Meric Gertler: Well, you know, as I say, I'm always open to evidence-based arguments that demonstrate the value of a particular course of action. But it's always a question of comparing costs and benefits, so one would have to look at the expected benefits that were believed to be triggered by such a change in ownership status.

Mr. Wayne Gates: A June 2015 report from the city of Toronto showed that while salaries at Waterfront Toronto have stayed more or less the same over the last three years, project spending has declined during that period of time. What do you think of this?

Dr. Meric Gertler: Again, one would want to look carefully at the operations to see what's actually happening. There is some logic in hanging on to a core team of talented senior managers. Even though the volume of business may fluctuate from one year to the next, that does not necessarily mean that that's justification for

laying people off. The facts as you've stated them don't necessarily indicate a problem, but I would want to understand it better.

Mr. Wayne Gates: My next question—but you answered it a little: What do you make of this? You've been around a long time. What do you make of it when something like that happens? What are your concerns?

Dr. Meric Gertler: Again, I would need to know more about who is being retained, why, and how good they are. I haven't yet had an opportunity to get to know that level of management within the organization in order to be able to give you a better-informed response.

Mr. Wayne Gates: Do you think it's appropriate for Waterfront Toronto to be reducing project spending and correspondently reducing other spending?

Dr. Meric Gertler: Same answer, really. I have nothing further to say on that.

Mr. Wayne Gates: This was touched on by my good friends in the PC Party: What is your opinion on the removal or not of the eastern portion of the Gardiner Expressway? Would you like to see the highway removed entirely, stay as it is or some hybrid option?

Dr. Meric Gertler: Right.

Mr. Wayne Gates: I kind of expanded on the question a bit for you seeing as it's a long answer.

Dr. Meric Gertler: Sure. I think that we have already talked about the positive things that can be implemented in order to live with the decision that has been made. If we were to replan that area today from scratch, we probably wouldn't have a raised expressway in that spot, but it is there and the city has made a decision to keep it standing. So I think we have to make the most of that decision.

Mr. Wayne Gates: Okay. I'm not so sure if you can answer this, considering that you haven't answered a couple of the other questions because you're not there, but I'll ask it anyway.

In January 2016, it was reported that the board had held a closed meeting to approve a salary increase of between 8.6% and 11.6% for three executives, as well as an increase to their performance-based bonuses for a potential maximum of 20% of salary to 25%. The three executives earned between \$232,000—which sounds like a fair salary to me—and \$248,000 in 2014. A lawyer asked to review the meeting concluded that the board had not followed proper procedure for in-camera sessions and public disclosure.

What do you think of having those types of meetings and giving salaries that certainly are above the rate of inflation, for sure?

Dr. Meric Gertler: I am concerned when I hear comments about process not being properly followed. That to me is the most concerning aspect of the statement you just made.

As far as the increases go, again, one would need to look at—

The Chair (Mrs. Cristina Martins): Two minutes.

Dr. Meric Gertler: —who is involved, how talented they are or how successful they have been, what kind of

track record they have, and, secondly, what kinds of increases they have had over the ensuing several years. If I'm not mistaken, in that particular case, salaries had been frozen for a period of time.

Third, one would want to look at the market to get a sense of how individuals with that kind of experience and those kinds of qualifications in such positions are being compensated.

0925

Again, I come back to where I started: We want the planning for Waterfront Toronto to be as high-quality as possible, and to do that you have to make sure that you have a great team in place.

Mr. Wayne Gates: I'll just respond to that. When you see the report that we saw yesterday, with the number of people living in poverty in Toronto, I think asking for an 8.6% or 11.6% raise in one year is certainly out of line for anybody, no matter how talented they are.

I have no further questions. Thanks.

The Chair (Mrs. Cristina Martins): We are now going to go over to the government side. Mr. Qaadri, please.

Mr. Shafiq Qaadri: First of all, I think on behalf of the government and, by extension, of the people of Ontario, Dr. Gertler, we're very pleased and honoured that you would be able even to consider this, in the midst of your extraordinary responsibilities—being president of the University of Toronto and so many other lengthy contributions to the province and to the country. If I could, for a moment, on a personal note, Madam Chair—I'd like to thank you for presenting my honours bachelor of arts one week ago at Trinity College, U of T, at Convocation Hall, something I remedied after many, many years.

My question for you is, you have a great deal of training, holding, I think, three degrees in the area of urban and city planning. Your most recent one, I understand, is a doctor of philosophy and urban planning from Harvard. Tell us a little bit about what the new thinking is. What should we be doing that we're not doing? How does all that academic underpinning inform your decision-making to the bettering of the waterfront area?

Dr. Meric Gertler: Thank you. I started to touch on some of this a few minutes ago, I think, in my opening remarks. Cities around the world have seen a dramatic resurgence. Metropolitan areas continue to attract immigration from other parts of the country and from around the world, and the central cores of cities have, I think, experienced a dramatic resurgence.

The reasons for that are really quite interesting. If you think about it, it's somewhat paradoxical. On the one hand, we live in a time where we all have mobile phones, we all communicate with one another through information technologies over long distances with people on the other side of the world, and in that sense our daily lives are very globalized.

At the same time, you're seeing this increasing geographic concentration of economic activity within city regions and within particular neighbourhoods of those

city regions, which is a kind of a paradox, right? You would think that the use of information technology would disperse, rather than concentrate, economic activities.

Why is that happening? It's happening for a couple of reasons. First of all, it's happening because people who are driving the economy are increasingly drawn by the opportunity to interact with people on a face-to-face basis and to share ideas, circulate knowledge and benefit from what economists and geographers call "knowledge spillover," which is the accidental opportunities you have to learn things by interacting with people in crowded places, places that are crowded by people who come from different social backgrounds, different industries or occupational categories. It's that rich mix of people in particular places that makes them dynamic. This is a point that a former, eminent Torontonians, Jane Jacobs, made very compellingly in her own writing.

That's one of the reasons why: It's that opportunity to engage in that sort of knowledge exchange and learning.

The second is related to quality of life and quality of place. The people whom we're talking about who are engaged in this kind of economic activity have lots of choices about where they can live, and increasingly they're choosing to live in those places that offer a high quality of life. That's not just about the night life. It's about parks, it's about public schools, it's about great hospitals, it's about the cultural vitality of a place. I think those are the factors we now understand that seem to be driving economic dynamism in cities.

To link it to Waterfront Toronto here, I see that as a large piece of real estate, very favourably located, that still has huge unrealized potential to create the kinds of spaces that would attract exactly that kind of economic activity and give us an opportunity to create socially vibrant spaces at the same time.

0930

Mr. Shafiq Qaadri: As you know very well, there are many cities in the United States, particularly, that have not gotten it right. Without really referring to the cities specifically, tell us what we shouldn't be doing in the waterfront.

Dr. Meric Gertler: One of the biggest mistakes one can make is to ignore the mix of land uses. This is something we were talking about just a little bit earlier, that it's really important to have not just retail opportunities and not just high-income residential opportunities, but a broad mix of different kinds of land uses and different residential forms at different price points in order to really animate these places. That seems to be the secret for a successful waterfront regeneration. You want to avoid a kind of monoculture approach and foster as much variety as possible.

I would also say that ensuring a high quality of design standards in the built environment makes a big difference as well. This is a chance to showcase the design talent that we have here in Toronto and in Ontario. Toronto happens to be the third-largest centre of design expertise in North America—architecture, landscape architecture, interior design, industrial design. We have fantastic talent

here. It's a great opportunity to put some of that talent to work.

Mr. Shafiq Qaadri: Well, that's great. Once again, thank you for your presence, thanks for the degree, and I will offer the floor to Ms. Vernile.

The Chair (Mrs. Cristina Martins): Two minutes. Ms Vernile.

Ms. Daiene Vernile: Thank you very much for appearing before this committee today and for putting your name forward, your desire for public service in the province of Ontario. We're certainly very lucky to have you here, looking at your credentials.

You made some very interesting comments on what a dynamic waterfront would look like to you. In my riding of Kitchener Centre and in greater Waterloo region, you might have heard that we're building an LRT system and already we're seeing housing and businesses that are sprouting up along the line. The project is about 80% complete and I'm very excited to see what happens by the end of it.

Through your travels, can you point to a community, to a city, that you favour, where they're getting it right and you'd like to see something very similar in the city of Toronto?

Dr. Meric Gertler: Thank you. Actually, I too am excited to see what's happening in KW with the introduction of the LRT. It's a great demonstration of how public investment can really trigger a lot of subsequent private investment, but also can help shape the way that urban development evolves. It encourages a higher-density form of development, which ultimately is a more sustainable form of urban development. It makes more compact cities which are more walkable, more usable by bicycles and other forms of active transportation. So that's an important insight that you touch on.

Looking around the world, the places that have got it right: Barcelona is a really interesting example, and it's somewhat analogous because it had a very derelict, industrial waterfront that had fallen on hard times and has undergone tremendous transformation which has seen the kind of development that I was describing earlier where you have mixtures of different land uses and—

The Chair (Mrs. Cristina Martins): Thank you, Mr. Gertler. Your time has expired.

Dr. Meric Gertler: Thank you.

The Chair (Mrs. Cristina Martins): I'm going to ask that you—

Dr. Meric Gertler: Academics, you know, they like to talk. I'd be happy to.

The Chair (Mrs. Cristina Martins): I'm just going to ask that you step aside. We're going to vote at the end of all of the presentations here this morning. Thank you.

Dr. Meric Gertler: Thank you very much.

MS. JAYASHREE (JAY) SENGUPTA

Review of intended appointment, selected by third party: Jayashree (Jay) Sengupta, intended appointee as member and vice-chair, Child and Family Services

Review Board (Social Justice Tribunals Ontario) and intended appointee as member and vice-chair, Custody Review Board (Social Justice Tribunals Ontario).

The Chair (Mrs. Cristina Martins): Our next intended appointee is Jayashree or Jay Sengupta, nominated as member and vice-chair, Child and Family Services Review Board (Social Justice Tribunals Ontario) and member and vice-chair, Custody Review Board (Social Justice Tribunals Ontario).

Please come forward and take your seat. Welcome and thank you for being here this morning. You may begin with a brief statement, if you wish, and members of each party will then have 10 minutes to ask you questions. Any time used for your statement will be deducted from the government's time for questioning. Questioning will begin with the third party when we get there. Thank you very much.

Ms. Jayashree (Jay) Sengupta: Thank you, Madam Chair. Thank you, committee members. Thank you for the invitation to appear before you today. I appreciate the opportunity to tell you a little bit about myself and to answer any questions you might have.

I'm going to take just a few minutes to tell you briefly about my background, my professional qualifications and my work experience. I'll touch briefly on the reasons for my interest in being considered for this appointment. After that, I'm in your hands.

I'm a lawyer by training. I was called to the bar of the province of Ontario in 1992. I have a bachelor's degree in arts and an LL.B. I began working as a lawyer in the legal clinic system in this province where I provided legal representation and assistance and law reform assistance to people of low income for about two decades. I worked in a number of areas of administrative law during my time in the legal clinics, and I dealt with a lot of people who were living in poverty, many of whom were quite vulnerable.

Following my time in practice, I became interested in contributing to the world of administrative justice in a different capacity, and I applied and was considered for an appointment and was eventually appointed following an appearance at this committee in 2008 in the Human Rights Tribunal of Ontario. That happened in 2008. I was appointed initially for two years, then for three and now I'm in my five-year term at the Human Rights Tribunal of Ontario.

During that time, I expressed an interest in working with children's issues and particularly vulnerable children. I was cross-appointed and was appointed to the Ontario Special Education Tribunals, which deals with children with exceptionalities in the school system. In 2014, I was also cross-appointed to the two boards for which you're considering my appointment today as a member.

The Child and Family Services Review Board and the Custody Review Board have provided me, over the last couple of years, with an opportunity to work on issues relating to children in care and in custody and their families. I've very much appreciated doing this work

because I find it very meaningful and important. It has also given me a chance to work with colleagues who have subject matter expertise in areas involving child-youth justice, social work and a variety of other disciplines, such as child psychiatry.

I've tried to contribute in my own way with my adjudicative and mediation skills to form part of that team, and I hope to continue to be able to do that. I find the work of the board very interesting and very compelling, and I would appreciate the opportunity, if the committee approves my appointment, to do that work into the future. Thank you.

The Vice-Chair (Ms. Daiene Vernile): Thank you. We begin our questioning for you with Mr. Gates.

Mr. Wayne Gates: Hi. How are you?

Ms. Jayashree (Jay) Sengupta: Good.

Mr. Wayne Gates: I'm going to ask you a couple of questions. Between 2014 and 2015, you contributed to the Liberal Party of Ontario, according to Elections Ontario records. Is that accurate?

Ms. Jayashree (Jay) Sengupta: No, it isn't. I don't contribute to any political party.

Mr. Wayne Gates: So we have to make sure the records for Elections Ontario need to be updated, I guess.

Ms. Jayashree (Jay) Sengupta: Well, I do have relatives in the province and maybe one of them—

Mr. Wayne Gates: Okay. Recently introduced legislation will work to ensure that grandparents be considered as part of the family compact when considering custody and access for a child. What do you think of that?

Ms. Jayashree (Jay) Sengupta: Those are issues that would fall beyond the mandate of the Child and Family Services Review Board. It is not really something that I feel qualified to comment on.

0940

Mr. Wayne Gates: Okay, I'll ask it again. You've been involved with children for basically your entire adult life, from what you've told us in your brief statements and from what I've read.

Ms. Jayashree (Jay) Sengupta: Yes.

Mr. Wayne Gates: So I'll ask the question again: Do you believe that grandparents should be involved with their grandchildren's lives, as somebody that—you're a lawyer. You've seen, over the course of your time, how families are torn apart from this very issue. So maybe just a—so I get an idea of what you're thinking on this.

Ms. Jayashree (Jay) Sengupta: I come from a South Asian culture where extended families are not uncommon. My own family is one where that is a reality. I believe very strongly that the more people who love a child and care for a child, the better off the child is. So yes, I think grandparents should be involved in the lives of their grandchildren.

Mr. Wayne Gates: I'll go on the record: I think that you're right.

Ms. Jayashree (Jay) Sengupta: Sorry?

Mr. Wayne Gates: I'll go on record and say that I think that you're right that grandparents absolutely should be, seeing as I'm a grandparent of five children—

Ms. Jayashree (Jay) Sengupta: Congratulations.

Mr. Wayne Gates: —and I certainly enjoy being involved in their lives.

According to the service standard targets and results released by the CFSRB from 2013 to 2014, there are a number of areas where the board has not been able to live up to its targets in terms of the speed at which it releases decisions from appeals. Do you have any idea how to address this important issue?

Ms. Jayashree (Jay) Sengupta: I believe the way in which to address issues of timeliness has to do with resources, training and then the dedication of those to the work at hand. I think the board recognizes that timely decision-making is paramount, particularly in the lives of children and in the issues that we deal with.

Mr. Wayne Gates: So you might agree with me that cutbacks probably don't help the appeal process, and that if there's not enough staff, there could be some problems?

Ms. Jayashree (Jay) Sengupta: I think resources are important and need to be dedicated to ensuring that service standards that are set out in the legislation are met, yes.

Mr. Wayne Gates: Thank you. Given your experience with the SJTO, what challenges do you anticipate facing during this appointment?

Ms. Jayashree (Jay) Sengupta: I think the challenges for all administrative tribunals are probably similar. I think people appearing before most tribunals and the courts are—there's a larger number of unrepresented parties that come before these boards as well as the courts. It's important, I think, to ensure that our processes are accessible to those people and that they are not at a disadvantage. I think that it's important for people to be mindful of the challenges that the unrepresented face before agencies where the processes and the terms might seem unfamiliar to them. Their lives are being affected and it's very important, I think, that we work very hard to make those processes accessible.

Another challenge, I think, that is always, always top of mind is that people are expected to do more with less, and that is a challenge. We have to think of ways in which we can be more efficient and more responsive to people while being mindful of the resource question.

Mr. Wayne Gates: Okay, thanks. That's all I have.

The Chair (Mrs. Cristina Martins): We're now going to go to the government side: Ms. Vernile.

Ms. Daiene Vernile: Good morning, Ms. Sengupta. Thank you very much for appearing before this committee and for putting your name forward in public service to the province of Ontario.

Can you talk to us about how your experiences and your background would help to guide you in this position on the Child and Family Services Review Board?

Ms. Jayashree (Jay) Sengupta: I guess the way I would answer that is in two parts. I would say that my personal background would inform the way in which I would approach the job, and my professional background would also play a part in how I would try and do my job well.

My personal background is that I am a person of South Asian origin. My family came when I was quite young. I've grown up in a beautiful country that is very diverse. I understand the challenges faced by people of varied backgrounds who come and make this place their home and have to interact with the justice system. I'm committed to access to justice for the disenfranchised, for people of various backgrounds and who may have vulnerabilities. I think that that gives me a particular sensitivity to those issues and I hope that makes me a better adjudicator and a better mediator.

My professional background is that of a lawyer and someone who has worked in ensuring access to justice to people with disabilities, and people of varied backgrounds as well. I think that, given those experiences, I am able to ensure that the processes and the justice that are delivered are accessible and understandable to people who are there without counsel. I feel that is the primary skill that I bring: the ability to communicate with people about the law and to get them feeling comfortable enough to feel that they can participate meaningfully and that they have been heard.

Ms. Daiene Vernile: You and I share a similar background. My riding is Kitchener Centre, but my parents are Italian immigrants. They came here and they were penniless, but because this is a great country and there are so many opportunities, if you pull yourself up by the bootstraps and take advantage of those opportunities, you can prevail in life. So thank you for appearing before this committee.

If you are to serve on this board—

The Chair (Mrs. Cristina Martins): One minute.

Ms. Daiene Vernile: —in the capacity that you are applying for, full-time vice-chair, do you have any specific goals you want to achieve?

Ms. Jayashree (Jay) Sengupta: My role as a vice-chair is that of somebody who assists the associate chair in mentoring and training and in helping members achieve their best potential. I hope to be able to do that in a meaningful and helpful way. I believe that there is going to be a large turnover in the membership over the next year or two, and I hope to play a role in helping those members find their feet and become good adjudicators.

Ms. Daiene Vernile: Thank you, Ms. Sengupta.

The Chair (Mrs. Cristina Martins): My apologies. The government side still has two minutes. I apologize for that. So if there are any questions still from the government side?

Ms. Daiene Vernile: I'm going to throw it to you and ask you if there's anything else that you want to share further with us.

Ms. Jayashree (Jay) Sengupta: No, not really. I'm happy to answer any specific questions.

Ms. Daiene Vernile: You said it all. Thank you very much.

The Chair (Mrs. Cristina Martins): Thank you very much, Ms. Vernile. We're now going to turn it over to Mr. Cho.

Mr. Raymond Sung Joon Cho: Thank you so much for applying for this position. Could you tell us why you applied to be a member of these two boards? Why are you applying and what kind of contribution would you like to make to the two different boards?

Ms. Jayashree (Jay) Sengupta: These two boards deal with children in care and in custody, and their families. The issues that come before the board are, I think, very important to the people who come before the board and they are close to my heart. I think that the ability to do something meaningful is great. The opportunity to contribute to society and to help adjudicate disputes or issues that face children who are vulnerable and families of children who are vulnerable—the opportunity to do that is tremendous. I hope, in fact, that I can do a good job in exercising that mandate.

0950

Mr. Raymond Sung Joon Cho: Okay. Now, I'm sure that you know—it was in the papers many times—that the children of our African Canadians, children from our aboriginal families and immigrant families, are more often in the care of the children's aid society, as opposed to so-called mainstream families. Do you have any idea why it happens and how you're going to correct that?

Ms. Jayashree (Jay) Sengupta: I have seen that it is the case, and there have been studies by academics and people who observe these systems, suggesting that people of certain communities are in care in greater numbers and larger percentages than others.

In my role as a member and vice-chair of the Child and Family Services Review Board or the Custody Review Board, the way in which I would intersect with the issue would be to hear applications brought by their families or by the children themselves for specific relief about specific issues. Certainly, if their membership in a cultural community or their race play a part in the decision that I'm called on to make, if it's a relevant factor, I would certainly look at that. If there is a potential linkage between those issues and the issue that's before me to decide, it would be relevant, and I would take that into account.

I'm not certain that as a member of the boards, I would be in a position to effect a reversal of any trends that exist, but I can certainly do what's within my mandate to address any intersections between race or membership in a cultural community and the issues that are properly before the board and within board's mandate. I don't know if that addresses your question.

Mr. Raymond Sung Joon Cho: Okay. According to the report I'm reading, prepared by our staff—these are operational statistics from 2011-14. In 2011-12, complaints against a children's aid society were 220; in 2013-14, it was 248. This is a big jump.

Now, have you thought about providing child protection services—we have children's societies, but we live in a multicultural, very diverse community. So these children's services could be reallocated so that children from, say, a Muslim community have their own child care service under the umbrella of a children's society—

or Hindu, or Chinese. The children are really all different. Have you thought about how we could use the strengths of diversity in providing children's services?

Ms. Jayashree (Jay) Sengupta: Let me begin by saying that that would not be within my mandate as a member or vice-chair of the boards.

On a theoretical level, I think it would be important for all agencies delivering services to do so in culturally and linguistically appropriate ways. Obviously, when you're interacting with children's aid societies as a member of a diverse community, you would want to be able to be certain that you understood exactly what was going on and how your interests and rights were being affected. I think it would be important for those delivering child protection services to be mindful of their responsibility and their obligation to provide meaningful interpretation services and meaningful and culturally appropriate services, when they exercise their mandates. I think that the board takes care to do that when we offer our services. Our adjudicative and mediation services are provided, we hope—and we strive to do so—in culturally and linguistically appropriate ways to diverse communities.

Mr. Raymond Sung Joon Cho: Do I have one more question?

The Chair (Mrs. Cristina Martins): Oh, you've got three minutes.

Mr. Raymond Sung Joon Cho: Oh, okay. Thank you. This is a real problem that we face in my riding. I think it's a problem all over Toronto, and maybe Ontario, too. Three Catholic schools will be closed in my riding—one riding—because of a reduction in children. We don't have enough students. The problem is, when schools close, they have a very good special-ed class and when they amalgamate to big schools, they don't have the same services. The parents of special-ed children are very concerned. This is one of the responsibilities of the Ontario Special Education Tribunals. How would you address the issue? How would you come to some kind of solution?

Ms. Jayashree (Jay) Sengupta: It's a big question. The funding of special education services is not within the mandate of the special education tribunals. The special education tribunals deal with complaints from parents, usually, whose children have been identified as having exceptionalities. Either they're gifted or they have disabilities that require special education services. I'm aware that it's always a struggle for school boards to be able to provide meaning special education services and to do so while being mindful of all of their responsibilities.

I'm afraid I don't have any particular pull or sway in terms of resourcing special education services within particular school boards, so I don't know if I can give you anything meaningful on that point.

Mr. Raymond Sung Joon Cho: Okay. Thank you very much.

Ms. Jayashree (Jay) Sengupta: Sorry. Thank you.

The Chair (Mrs. Cristina Martins): That concludes our time for this interview. Thank you very much. You may step down.

We will now consider the concurrence for Meric Gertler, nominated as member, Toronto Waterfront Revitalization Corp. Would someone please move the concurrence? Mr. Qaadri, please.

Mr. Shafiq Qaadri: I move concurrence in the intended appointment of Meric Gertler, nominated as member, Toronto Waterfront Revitalization Corp.

The Chair (Mrs. Cristina Martins): Any discussion? All in favour? Opposed? The motion is carried.

We will now consider the concurrence for Jay Sengupta, nominated as member and vice-chair, Child and Family Services Review Board (Social Justice Tribunals Ontario), and member and vice-chair, Custody Review Board (Social Justice Tribunals Ontario). Would someone please move the concurrence? Mr. Qaadri.

Mr. Shafiq Qaadri: I move concurrence in the intended appointment of Jayashree (Jay) Sengupta, nominated as member and vice-chair, Child and Family Services Review Board (Social Justice Tribunals Ontario), and member and vice-chair, Custody Review Board (Social Justice Tribunals Ontario).

The Chair (Mrs. Cristina Martins): Any discussion? All in favour? Opposed? The motion is carried. Congratulations.

There are a couple of deadline extensions. Do we have unanimous agreement to extend the deadline to consider the intended appointment of George Cooke, nominated as part-time member and chair, Ontario Lottery and Gaming Corp.? We're going to extend it to December 20, 2016. Any discussion? All in favour? Perfect. So we've got unanimous consent, and Mr. George Cooke's deadline has been extended to December 20, 2016.

Second person: Do we have unanimous agreement to extend the deadline to consider the intended appointment of Jason Madden, nominated as member, Toronto Central Local Health Integration Network, to have his certificate extended to December 20, 2016? Any discussion? All in favour? Excellent; unanimous consent and agreement to extend Mr. Jason Madden's certificate to December 20, 2016.

Seeing that there is no further business, the committee is adjourned.

The committee adjourned at 1001.

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1862. The letter is addressed to the Senate and the House of Representatives, and is signed by Abraham Lincoln. The letter discusses the state of the Union and the progress of the war against the Confederacy. It also mentions the recent passage of the Emancipation Proclamation and the President's hopes for a speedy end to the conflict.

2. The second part of the document is a report from the Secretary of War, dated January 10, 1862. The report is addressed to the President and discusses the military situation in the South. It mentions the recent victories of the Union forces at the battles of Fort Mifflin and Fort Mifflin, and the progress of the campaign against the Confederacy. The report also mentions the need for more troops and supplies, and the President's response to the report.

3. The third part of the document is a report from the Secretary of the Navy, dated January 10, 1862. The report is addressed to the President and discusses the state of the Navy. It mentions the recent capture of the Confederate ship, the *Albatross*, and the progress of the Navy's operations. The report also mentions the need for more ships and supplies, and the President's response to the report.

4. The fourth part of the document is a report from the Secretary of the Interior, dated January 10, 1862. The report is addressed to the President and discusses the state of the Interior. It mentions the recent discovery of gold in California, and the progress of the Interior's operations. The report also mentions the need for more land and supplies, and the President's response to the report.

5. The fifth part of the document is a report from the Secretary of the Treasury, dated January 10, 1862. The report is addressed to the President and discusses the state of the Treasury. It mentions the recent passage of the Revenue Act of 1862, and the progress of the Treasury's operations. The report also mentions the need for more funds, and the President's response to the report.

6. The sixth part of the document is a report from the Secretary of the War, dated January 10, 1862. The report is addressed to the President and discusses the state of the War. It mentions the recent victories of the Union forces at the battles of Fort Mifflin and Fort Mifflin, and the progress of the campaign against the Confederacy. The report also mentions the need for more troops and supplies, and the President's response to the report.

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